

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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	: 1:06-md-1789 (JFK)
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In Re: FOSAMAX Products Liability	:
Litigation	:
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	:
THIS DOCUMENT RELATES TO:	:
Claire Perry and Aubrey Perry, Sr., jointly as	:
Husband and wife	:
v.	:
Merck & Co., Inc.	:
Case No: 1:08-cv-1865-JFK	:
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**NOTICE OF FILING PLAINTIFF'S MOTION TO CORRECT SCRIVENER'S ERROR**

NOW COMES the Plaintiffs, Claire Perry and Aubrey Perry, Sr. jointly as Husband and Wife, by and through the undersigned counsel and files this Notice of Motion to Correct Scrivener's Error and states:

1. On January 11, 2008, Plaintiff's originally filed a complaint in the United States District Court for the Northern District of Florida
2. Subsequently, this action was transferred to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. 1407, *In re Fosamax Products Liability Litigation*, MDL No. 1789.
3. Plaintiff's counsel mistakenly misspelled Plaintiff's name as Claire Perry, but later discovered that the correct spelling should be Clarie Perry.

4. A mistake of this kind is a result of an oversight.
5. Such an error was mistakenly, not purposely, written and should be readily remedied without objection.

Dated: August 20, 2008

Respectfully submitted,

By: /s/Daryl D. Parks  
Daryl D. Parks

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240 North Magnolia Drive  
Tallahassee, Florida 32301  
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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2008, the foregoing NOTICE of FILING PLAINTIFF'S MOTION to CORRECT SCRIVENER'S ERROR was filed electronically and served electronically, pursuant to the Court's Case Management Order, via the Court's CM/ECF system.

By: /s/Daryl D. Parks  
Daryl D. Parks

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